

PROCEEDINGS OF A REGULAR MEETING OF THE VILLAGE BOARD OF TRUSTEES
January 22, 2013 – 7:00 PM

Present

Mayor: Robert Corby
Trustees: Tim Galli
Lili Lanphear
Lorie Boehlert – arrived at 7:50 PM
Trip Pierson
Attorney: Jeff Turner – arrived at 7:45 PM
Recording Secretary: Anne Hartsig

CALL TO ORDER

A **motion** was made by **Mayor Corby, seconded by Trustee Galli** to call the meeting to order at 7:00 PM.

Vote: Corby – yes, Galli – yes, Lanphear – yes, Boehlert – yes, Pierson – yes. **Motion carried.**

TREASURER’S REPORT – MARY MAROWSKI

Ms. Marowski presented vouchers listed on Abstract #015 of 2012/13 fiscal year for approval. A **motion** was made by **Trustee Galli, seconded by Mayor Corby**, to approve payment of vouchers listed on Abstract #015 in the amounts stated below and to charge them to the appropriate accounts.

Abstract #015 – 2012/13

General Fund (#389-#397, #399-#421):	\$19,494.40
Sewer Fund (#398)	\$ 4.00
Total vouchers for approval:	\$19,498.40

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

Other Business:

- Bank balances were presented.
- The Board agreed to have Mayor Corby sign an agreement so that RG&E can replace a non-standard street light at 31 North Main Street.
- A mortgage tax check was received in the amount of \$15,806.08.
- The Village received a refund from PERMA following a NYS audit assessment.
- Sales tax revenues increased compared to the same quarter last year.
- A new contract is needed for technical services from Integrated Systems. A **motion** was made by **Mayor Corby, seconded by Trustee Galli** to approve a contract in the amount of \$2250.00 for 25 hours of computer and technical service from Integrated Systems.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

PROCEDURE CHANGES DISCUSSION

The Village received a request from a village resident to change several of the notification/communication procedures that are currently in place. The requests for changes include the following:

1. notification of Church Street residents whenever South Main Street properties request a change,
2. notify property owners beyond the current 300 feet requirement,
3. post online agendas for meetings one week before the meeting,
4. email unapproved minutes specifically to this resident and/or post approved minutes within one month of the meeting.

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Board members discussed each of these requests and commented that request #2, #3, & #4 would not be practical and/or, would increase mailing costs. Agendas are not normally prepared a week in advance of the meeting and staff time restrictions prevent emailing minutes to individual residents. They noted that unapproved minutes are available for review in the Village Office two weeks after the meeting. To mitigate #1 and #2, Board members discussed having APRB, PZBA, and all public hearing applicants post signs on their property prior to the hearing. Mayor Corby has discussed this with Building Inspector John Limbeck and will await his recommendations on this proposed procedure.

CDBG GRANT APPLICATION

Mayor Corby attended an informational meeting regarding CDBG grants. He suggested that the Village submit an application this year for handicap accessible upgrades to the downstairs public restrooms.

REVISED PROPOSAL – SCOTT COPP

Mayor Corby reported that Scott Copp revised the scope of work in his original proposal to oversee the construction at 75 Monroe Avenue. A budget was not included in the proposal. Mayor Corby will provide Mr. Copp with a set of preliminary plans so that he can prepare a budget to include with the proposal.

ENVIRONMENTAL ENGINEER

It has not been decided whether or not an environmental engineer will be needed to oversee the environmental remediation process at 75 Monroe Avenue. That will depend on the extent of the DEC review. Engineer Scott Harter suggested a post-remedial consultant might be beneficial.

MVP HEALTH CARE ROCHESTER MARATHON

The Village received a courtesy notification letter stating that the 2013 Rochester Marathon has been planned for Sunday, September 22, 2013. The Board can expect to receive a follow-up request for a non-municipal use permit.

STATE ASSEMBLY REQUEST

The Board of Trustees received a request for a resolution in support of two foreclosure bills that have been referred to the Judiciary Committee in the New York State Assembly. Trustee Galli suggested that the Village contact NYCOM to ask what their position is on these bills before passing a resolution. Mayor Corby will contact NYCOM.

BUILDING INSPECTOR'S REPORT

Building Inspector John Limbeck submitted a written report summarizing his activities since the meeting on January 8th. Board members concurred that they are very pleased with Mr. Limbeck's approach and with the level of communication that is taking place between the inspector, residents and the Village Board.

Regarding Chase Bank, it was suggested that the Village secure a letter of credit as soon as possible so that exterior renovations can commence. Mayor Corby will talk with Mr. Limbeck to learn the status.

In addition to his regular report, Mr. Limbeck submitted a written report regarding his review status of the site plan application for 75 Monroe Avenue project. The report is on file and of record.

- Mr. Limbeck said he has been reviewing the site plan submission for 75 Monroe Avenue with input from Scott Harter, Kelly Cline, and Remegia Mitchell. Mr. Limbeck stated that he would not allow the application to be presented to the Planning Board until the information he requested has been incorporated into the submission.

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- It was noted that regulating plans are not all that common and if the Building Inspector has questions about this, he should talk to the Board of Trustees who developed the plan. This application has an extra layer of approvals. It must comply with both the site plan and the regulating plan. The Building Inspector is the first avenue of interpretation.
- Attorney Turner said it is the Building Inspector's role to get this application to the Planning Board. If the application is reviewed before it is deemed complete by the Building Inspector, there should be an acknowledgement from the applicant that the 62 day time period is not beginning.

EXECUTIVE SESSION

A **motion** was made **by Trustee Pierson, seconded by Trustee Galli**, to enter executive session to discuss a matter of pending litigation.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

Having taken no action, a **motion** was made **by Trustee Pierson, seconded by Trustee Lanphear**, to leave executive session and reconvene the regular session of the meeting.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

SALVATORE'S PIZZA

The Clerk reported that an application for a special permit to operate Salvatore's Pizza at 18-20 South Main Street has been received. The applicant appeared before the Board of Trustees and the PZBA for information only. A **motion** was made **by Trustee Pierson, seconded by Mayor Corby**, to hold a public hearing regarding a special permit application for Salvatore's Pizza on February 12, 2013.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

The Village Clerk will submit the legal notice for publication.

MEMBER ITEMS

Greenlight Networks: Mayor Corby reported there is no new information regarding this issue since the January 8th meeting. He has been playing phone tag with the Greenlight representative. He said he would like more information from Attorney Turner who was planning to discuss the issue with Mr. Limbeck.

MINUTES

January 8, 2013: A **motion** was made **by Mayor Corby, seconded by Trustee Galli** to approve these minutes as amended.

Vote: Corby – yes, Lanphear– abstain, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

Correction of September 11, 2012 approved minutes: It was noted that the date on these minutes indicate they were from a meeting in "2011" when in fact, they were from 9/11/12. There is also a name misspelling in the minutes that should be corrected. In addition, Mayor Corby would like to correct a quote that was attributed to him because he does not believe the quote accurately reflects what he intended to say.

The Village Clerk asked for guidance from NYCOM counsel regarding the procedure for changing minutes that have been approved. The Clerk was told there is not specific statutory procedure to amend minutes of a meeting. NYCOM Counsel Richard Sinnott said in his judgment, it would be appropriate for the Board of Trustees to make a motion to correct the misspelling of a name and date. In regards to changing a statement that was made, he forwarded Opinions from the Committee on Open Government which said that minutes may be amended only pursuant to action taken by a majority of vote of the total membership of the board and any alteration must accurately reflect what transpired at a meeting. Village Attorney Jeff Turner agreed with NYCOM.

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The Clerk was asked to have the Treasurer, who took the minutes of that meeting, listen to the tape of the meeting if it is still available. The subject will be on the agenda of the next meeting.

CODE OF ETHICS

Attorney Turner reported on his review of the Code of Ethics draft.

- There was a question about §21-7 in regards to board members participating or taking official actions if they happen to be a business owner who may stand to gain financial benefit from the decision that is rendered. Attorney Turner suggested this problem might be remedied by having the member recuse him or herself from the discussion and vote.
- Attorney Turner suggested the following changes to the draft: delete §21-8 Exceptions A (1) regarding adopting a budget, remove §21-8 B. in its entirety; delete §21-9 B. (1) & (2).
- §21-10 C.: Attorney Turner is waiting for information from NYCOM before addressing this section.
- §21-10 D.: Attorney Turner suggested removing the word “*negotiations*” from that section.
- A discussion about a Board of Ethics ensued. Mayor Corby reported that no one he spoke to at the County Office knows if there is a County ethics board or if one has ever been convened. He suggested it is not a good idea to rely on the County for an ethics board. One option would be for the Board of Trustees to convene an ethics board at the time of a conflict. Board members concurred that the Village should have a sitting Board of Ethics whose members serve without compensation and who show demonstrative proof that they have been trained. The Board could consist of three or five members of independent persons for which the Village Board should advertise. The Board of Trustees will have to decide the term of service.
- Mayor Corby will talk to the other Monroe County village mayors to see if they have a Board of Ethics and if so, how they handle it. The Trustees decided having a Board of Ethics would be a positive addition to procedures.
- The Clerk will include the Code of Ethics topic on the agenda for the February 12th meeting.

COLLABORATION COMMITTEE REPORT

Trustee Boehlert reported that she had received a written report from the Pittsford Collaboration Committee. She said it was a well written report. Recommendations for collaborating on computer/technical and phone systems were of particular interest. Trustee Boehlert will call Paul Schenkel at the Town to discuss the possibilities.

ADJOURNMENT

There being no further business, a **motion** was made by **Mayor Corby, seconded by Trustee Galli**, to adjourn the meeting at 8:50 PM.

Vote: Corby – yes, Lanphear– yes, Boehlert – yes, Galli – yes, Pierson – yes. **Motion carried.**

Anne Z. Hartsig, Recording Secretary